

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 78-41

NPDES PERMIT NO. CA0037702

ORDER AMENDING ORDER NO. 74-77

EAST BAY MUNICIPAL UTILITY DISTRICT
SPECIAL DISTRICT NO. 1
ALAMEDA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter referred to as Board) finds that:

1. This Board on August 20, 1974, adopted Order No. 74-77 prescribing waste discharge requirements including a compliance time schedule for the East Bay Municipal Utility District, Special District No. 1 (hereinafter referred to as discharger) in accordance with statutory requirements of the Federal Water Pollution Control Act (FWPCA) and the California Water Code. On November 18, 1975, the Board adopted Order No. 75-72 amending Order No. 74-77. On November 16, 1976, the Board further amended the permit by adopting Order No. 76-125. Order No. 76-125 required the discharger to achieve effluent limitations based upon secondary treatment by July 1, 1977, as mandated by the Federal Water Pollution Control Act (FWPCA) and California Water Code.
2. On December 20, 1977, the Board adopted Order No. 77-151, an enforcement order for issuance of a time schedule for the discharger, prescribing a compliance date of March 1, 1978, for achieving secondary effluent limitations as required by the FWPCA. Order No. 77-151 expired June 1, 1978.
3. The discharger has submitted evidence which documents that the requirements contained in Order No. 74-77 as amended cannot be achieved and has requested a time extension for compliance with these requirements. Due to design and performance problems with solids handling facilities that were beyond the dischargers control, it has not been feasible to treat more than about 60% of the average dry weather flow to full secondary level.
4. Section 301 (i)(1) of the Clean Water Act of 1977 authorizes the Board to grant extensions of the July 1, 1977, secondary treatment deadline through permit modification to publicly owned treatment works, such as the discharger, that require construction to achieve secondary treatment limitations and that has such construction underway, but not complete, despite all expeditious efforts, before July 1, 1977. The discharger completed the construction of the secondary facilities in November 1977, but until the completion of construction of temporary solids handling facilities that started in 1976, the discharger cannot achieve secondary treatment.
5. The amendment of waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with Section 21000) of Division 13 of the Public Resources Code in accordance with Water Code Section 13389.

6. The discharger has submitted a time schedule by which it can achieve the requirements contained in amended Order No. 74-77.
7. The Board has notified the discharger, interested agencies and persons of its intent to adopt a revised time schedule.
8. The Board in a public hearing held on June 20, 1978, heard and considered all comments pertaining to this discharger's ability to achieve compliance.

IT IS HEREBY ORDERED THAT:

Provision D.2 of Order No. 74-77 is amended as follows:

- a. Compliance with Effluent Limitation A.1.e. (chlorine residual):

<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Due</u>
Full compliance	August 1, 1978	August 15, 1978

- b. Compliance with Effluent Limitations A.1.a., (settleable matter), b. (BOD), c. (suspended solids), d. (oil and grease), A.3. (% removal, BOD and suspended solids), and A.6. (toxicity) and receiving water limitations B.1.a. (particulate matter), and B.1.c. (temperature, turbidity, and color):

<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Due</u>
Full compliance	November 1, 1978	November 15, 1978

I, Fred H. Dierker, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 20, 1978.

FRED H. DIERKER
Executive Officer